UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/SR.38/Add.1
10 December 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

CONTENTS

CONCLUDING ITEMS

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE SUB-COMMISSION

(c) ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

CLOSURE OF THE SESSION

* The summary record of the first part (closed) of the meeting appears as document E/CN.4/Sub.2/1997/SR.38

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-14014 (E)

The second part (public) of the meeting was called to order at 4.25 p.m.

CONCLUDING ITEMS

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE SUB-COMMISSION

(c) ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION (agenda item 13)

(E/CN.4/Sub.2/1997/L.1; E/CN.4/Sub.2/1997/L.10 and addenda; E/CN.4/Sub.2/1997/L.11 and addenda)

1. The CHAIRMAN, referring to the question of the future work of the Sub-Commission, namely, agenda item 13 (a), recalled that documents prepared for the fiftieth session should not exceed 32 pages in length and should be submitted at least six weeks before the opening of the session. He then invited members to take note of the draft provisional agenda for the fiftieth session submitted under item 13 (b) in document E/CN.4/Sub.2/1997/L.1 and to present any comments or suggestions they mighty have on the subject.

2. Mr. ALFONSO MARTINEZ proposed the inclusion, under item 12 of the provisional agenda, of the topics that the Sub-Commission had decided to examine every two years, namely, "Human rights and disability" and "Human rights and scientific and technological developments".

3. Mr. BOSSUYT said that the items entitled "Individualization of prosecution and penalties, and repercussions of violations of human rights on families" and "Privatization of prisons" which the Commission at its previous session had decided to examine every two years and which had not been dealt with at the present session should also be included in the agenda for the fiftieth session.

4. Mrs. MBONU was of the view that it might be preferable to do away with item 12 (c) (i) on the implications of humanitarian activities for the enjoyment of human rights because the Commission had on two occasions refused to authorize the Sub-Commission to undertake a study on that topic.

5. Mr. BOSSUYT considered that, on the contrary, it should be maintained on the agenda since several draft resolutions had been adopted on it. The item had not lost its validity simply because the Commission had refused to authorize a study on the subject.

6. Mrs. PALLEY added that the item in question was related to one of the most important topics examined by the Sub-Commission and its elimination would have serious consequences.

7. The CHAIRMAN pointed out that the draft agenda submitted was only provisional and that the Sub-Commission would draw up and adopt the final version at the beginning of its 1998 session. He invited members to proceed to the consideration of item 13 (c), namely, adoption of the report on the forty-ninth session.

8. Mr. BOSSUYT (Rapporteur) said that the report consisted of two parts, namely a compilation of the 43 resolutions and 19 decisions that the Sub-Commission had adopted at its forty-ninth session, contained in documents E/CN.4/Sub.2/1997/L.11 and Add.1 to 4, and a summary of its discussions, including the general debate and votes on various agenda items, set out in documents E/CN.4/Sub.2/1997/L.10 and Add.1 to 12. The report was of a technical nature and the summary records should be consulted for substantive information submitted in the course of the session. He invited experts to inform the secretariat, within two weeks, of any errors they might detect in the text of the draft report. In that connection he pointed out that paragraphs 4 and 5 of resolution 1997/11 had been retained by error in document L.11; the Sub-Commission had decided to delete them.

9. In reply to a question from Mr. ALFONSO MARTINEZ, the CHAIRMAN said that the time-limit he had fixed could possibly be extended to four weeks.

10. Mr. YIMER noted that for the first time in several years a complete report had been submitted to members of the Sub-Commission for approval, and expressed his thanks to the rapporteur and the secretariat for the quality and rapidity of their work.

11. The CHAIRMAN invited members of the Sub-Commission first to examine document E/CN.4/Sub.2/1997/L.10 and its addenda, which contained draft chapters of the report on the organization of work and various agenda items.

Document E/CN.4/Sub.2/1997/L.10 (chap. XIII)

12. Mr. CHERNICHENKO requested the amendment of paragraphs 11 and 18 of the document in order to indicate, as was customary, that he had not participated in the adoption of the draft resolutions referred to.

13. Document E/CN.4/Sub.2/1997/L.10, as amended, was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.1 (chap. XIV)

14. Document E/CN.4/Sub.2/1997/L.10/Add.1 was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.2 (chap. XV)

15. Mr. ALFONSO MARTINEZ said it was customary to reflect the results of a roll-call vote in the report, and requested that paragraph 11 should be amended accordingly.

16. Document E/CN.4/Sub.2/1997/L.10/Add.2, as amended, was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.3 (chap. III)

17. Document E/CN.4/Sub.2/1997/L.10/Add.3 was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.4 (chap. IV)

18. Mr. ALFONSO MARTINEZ considered that when a vote was taken by secret ballot the person requesting the vote should be indicated. He therefore proposed that paragraph 16 should be amended accordingly.

19. Document E/CN.4/Sub.2/1997/L.10/Add.4, as amended, was adopted.

Documents E/CN.4/Sub.2/1997/L.10/Add.5 to 8 (chaps. V to VIII)

20. Documents E/CN.4/Sub.2/1997/L.10/Add.5 to 8 were adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.9 (chap. IX)

21. Mr. ALFONSO MARTINEZ said that the words "and revised" should be added after the words "as amended" in paragraph 18.

22. Mr. YIMER asked what was the difference between an amendment and a revision.

23. The CHAIRMAN explained that a revision was made by the co-sponsors.

24. Document E/CN.4/Sub.2/1997/L.10/Add.9, as amended, was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.10 (chap. X)

25. Document E/CN.4/Sub.2/1997/L.10/Add.10 was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.11 (chap. XI)

26. Mr. CHERNICHENKO said that, in the Russian text, the term "international crime" in the heading of subparagraph (c) should appear in the plural and requested that the error should be corrected. Furthermore, the side heading of paragraphs 18 and 19 reading "The administration of justice and human rights" did not correspond to their content, and in his view should be replaced by the side heading of subparagraph (c), namely, "Gross and massive violations of human rights as an international crime".

27. Mr. WEISSBRODT recalled that he had proposed the deletion only of paragraph 2 of draft resolution E/CN.4/Sub.2/1997/L.56, and requested that paragraph 34 of the document should be amended accordingly.

28. Document E/CN.4/Sub.2/1997/L.10/Add.11, as amended, was adopted.

Document E/CN.4/Sub.2/1997/L.10/Add.12 (chap. XII)

29. Document E/CN.4/Sub.2/1997/L.10/Add.12 was adopted.

30. The CHAIRMAN invited members of the Sub-Commission to examine document E/CN.4/Sub.2/1997/L.11 and its addenda which contained chapter II of the draft report, namely, a list of the resolutions and decisions adopted by the Sub-Commission at its forty-ninth session.

Documents E/CN.4/Sub.2/1997/L.11 and Add.1

31. Documents E/CN.4/Sub.2/1997/L.11 and Add.1 were adopted.

Document E/CN.4/Sub.2/1997/L.11/Add.2

32. Mr. WEISSBRODT said that the last sentence of draft resolution (E/CN.4/Sub.2/1997/L.56), in which the Sub-Commission recommended that the Commission on Human Rights should request the Secretary-General to publish the report of the Special Rapporteur on the question of human rights and states of emergency, should be restored to resolution 1997/27.

33. Document E/CN.4/Sub.2/1997/L.11/Add.2, as orally revised, was adopted.

Documents E/CN.4/Sub.2/1997/L.11/Add.3 and Add.4

34. Documents E/CN.4/Sub.2/1997/L.11/Add.3 and 4 were adopted.

35. The draft report as a whole was adopted.

CLOSURE OF THE SESSION

36. The CHAIRMAN recalled that the Sub-Commission had embarked upon the work of its forty-ninth session with a feeling of considerable uncertainty owing to the fact that resolution 1997/22 of the Commission on Human Rights lent itself to a large number of interpretations concerning the Sub-Commission's future. In that connection, in view of the major changes that had taken place and were continuing both on the international political level as well as at the level of international bodies, members of the Sub-Commission were in agreement that the Sub-Commission should consider changing the focus of its work. It should therefore redefine its emphasis and its priorities. The Commission on Human Rights had, among other things, indicated clearly in that resolution that the Sub-Commission should avoid any duplication of its own work without, however, specifying what it should do. Yet it had opened up new possibilities for the Sub-Commission in analysing the human rights situation in various countries. It was noteworthy that item 2 of the Sub-Commission's agenda which dealt with that question had taken up 10 of its meetings, of which 3 had been devoted to the adoption of resolutions. The Sub-Commission had held a highly important discussion on the question of human rights in the world in which 118 non-governmental organizations, 102 observer countries and 23 specialized agencies had participated. Moreover, it had adopted 43 resolutions and 19 decisions, and had had 51 documents before it.

37. The Sub-Commission's new agenda, based on the systematic grouping of topics, had proved to be extremely rational and had contributed to the high level of its discussions, particularly those on racism and migrant workers and new forms of xenophobia, as well as on the effects of those factors on economic, social and cultural conditions in the modern world. During the discussions the Sub-Commission had on several occasions been urged to emphasize such topics and accord them priority in its future work. Furthermore, the agenda had enabled it to establish a relationship, in a novel, up-to-date and interesting manner, between racist and xenophobic trends and questions connected with new forms of work, migrant workers, transnational

corporations and major migratory movements. It had been suggested that the Sub-Commission should envisage either the establishment of a working group to consider such questions or to have them covered by the mandate of an existing working group.

38. He also emphasized the importance of the question of traditional practices affecting the health of girls and women and the need to continue to keep it under close consideration. The keen interest shown in the discussions of the three working groups dealing with contemporary forms of slavery, minorities and indigenous peoples indicated that the Sub-Commission was obviously the appropriate forum for the consideration of such matters. Those three working groups had, in fact, emerged as the cornerstones of the Sub-Commission's work.

39. Economic, social and cultural rights, in which increasing interest was being shown each year in the Sub-Commission, had been the subject of eight resolutions, and everything indicated that respect for those rights would in future be examined with an increasing amount of attention. Other topics with which the Sub-Commission had dealt, such as freedom of movement, forced eviction, the right of return and in particular terrorism and human rights, should also be kept under consideration and others, such as the arms traffic, should be studied in greater detail.

40. The Sub-Commission should, however, rationalize the work of its fiftieth session even further. He noted in that connection that the practical and clear criteria for the preparation of new studies, established by the sessional working group on the methods of work of the Sub-Commission, should make it possible to improve the quality of its future work. The Sub-Commission, at its forty-ninth session, had already proved itself to be an open, democratic and devoted body, conscious of the importance of its work. It should continue to improve the quality of its discussions by taking into account as much as possible the diversity of existing political and cultural situations. Its fiftieth session, which would coincide with the fiftieth anniversary of the Universal Declaration of Human Rights, would be of particular importance for the work it was doing.

41. In conclusion, he expressed his deep gratitude not only to the experts and all observers, but also to all members of the secretariat who had contributed, through their competence and devotion, to the success of the Sub-Commission's forty-ninth session.

42. After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 5.45 p.m.